

# MINUTES OF THE SOLID WASTE BOARD MEETING

Elkhart Public Library  
300 South Second Street  
Elkhart, Indiana  
October 16, 2001

The meeting was called to order by Chairperson Jeffry Carter. Those present for all or part of the meeting were:

Mr. Marlin Chambers  
Ms. Linda Cosgrove  
Mr. Rick Dyar  
Mr. Charles Himes  
Mr. Jeff Langbehn  
Dr. Stephen Wintermeyer  
Mr. Howard Cundiff (Proxy, Indiana State Department of Health)  
Mr. Thomas Hohman (Proxy, Department of Natural Resources)  
Ms. Deborah Albright, Board Counsel

A quorum was present.

In addition, the following IDEM staff members were present for all or part of the meeting:

Mr. Bruce Palin, Deputy Assistant Commissioner, Office of Land Quality  
Ms. Lynn West, Operations and Information Branch, Rules, Planning and Outreach  
Mr. Steve Mojonniere, Operations and Information Branch, Rules, Planning and Outreach  
Ms. Marjorie Samuel, Operations and Information Branch, Rules, Planning and Outreach  
Ms. Debby Baker, Program Coordinator, Office of Land Quality, Permits Section  
Mr. David Berrey, Technical Compliance Group

Chairperson Carter opened the meeting at 1:30 p.m. He thanked Mr. Chuck Himes and his staff for hosting the Board's trip to Elkhart.

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| <p>1. Chairperson Carter then asked for additions or corrections to the minutes of the Solid Waste Management Board meeting of August 21, 2001. There being none, <u>Mr. Marlin Chambers moved that the minutes be adopted and Ms. Linda Cosgrove seconded. The motion passed unanimously.</u></p> | <p>APPROVAL OF<br/>MINUTES</p>                 |
| <p>2. Chairperson Carter then asked Mr. Bruce Palin to address the Board. Mr. Palin said that he had nothing to report and asked Ms. Lynn West to address the Board.</p>   | <p>ASSISTANT<br/>COMMISSIONER'S<br/>REPORT</p> |

Ms. West distributed the project list and noted that no new rules were added to the list. Ms. West then distributed and reviewed the Ground Water Quality Rule that was adopted by the Water Pollution Control Board in August 2001. She said that this rule will require changes in some OLQ rules. The impacted rules have been identified and will be expedited. Ms. West then distributed an executive summary of EPA's latest update of the characterization of solid waste in

the United States. She said that the full version is on the web site. She then thanked Mr. Himes and Ms. Deb Kershner for organizing the morning presentations, transportation and lunch. Finally, Ms. West said the IDEM's annual report is available on-line and on the web site. For a verbatim account of Ms. West's report, please see pages 5 through 9 of the official transcript of this meeting.

After Board discussion regarding available landfill space and some questions regarding specific entries on the project list, Chairperson Carter then moved on to the rulemaking action on the agenda.

Chairperson Carter then announced the rulemaking action:

- Preliminary adoption of amendments to rules of the Board at 329 IAC 3.1-1-7, 329 IAC 3.1-4-9.1, 329 IAC 3.1-4-17.1, 329 IAC 7.1-7-2, 329 IAC 3.1-9-2, and 329 IAC 3.1-10-2, hereafter known as the Hazardous Waste Management 2001 Hazardous Waste Annual Update.

Chairperson Carter said that the 2001 Hazardous Waste Update Rule was included in the board packet and is available for public inspection in the Indiana Department of Environmental Management File Room, now located on the 12<sup>th</sup> floor of the Indiana Government Center North. Instructions were given to the public regarding offering oral statements and comments to the Board; the court reporter was affirmed.

3. Chairperson Carter announced that amendments to rules of the Board at 329 IAC 3.1, the 2001 Hazardous Waste Annual Update, would be considered for preliminary adoption. He introduced Exhibit A, the draft rule, into the record of the hearing. He then asked Mr. Steve Mojonniere to address the Board. Mr. Mojonniere briefly reviewed the history of the rule and explained that Indiana is authorized under 40 CFR 271 to administer the hazardous Waste Management Program in lieu of the U.S. EPA. In order to retain that authorization, Indiana is required to keep its program current by adopting federal amendments to the program. Mr. Mojonniere said that this rule amends the hazardous waste management rules to make them consistent with the federal hazardous waste program through May 16, 2001. For a verbatim account of Mr. Mojonniere's presentation, please see pages 17 through 20 of the official transcript of this meeting. Mr. Langbehn inquired about the status of hazardous waste landfills still operating in Indiana and if there are any new applications for hazardous waste landfills in the state. Mr. Palin answered that he didn't know of any. For a complete account of discussion, please see pages 21 through 24 of the official transcript of this meeting.

PRELIMINARY ADOPTION  
2001 HAZARDOUS WASTE  
ANNUAL UPDATE

Chairperson Carter asked for public comment. There were no commentators so Chairperson Carter then concluded the hearing and asked for Board action on preliminary adoption. At this point, Ms. Cosgrove asked for consideration of a word change. After discussion,

Mr. Langbehn moved that the rule be preliminarily adopted as prepared. Mr. Chambers seconded. The motion passed unanimously.

4. Chairperson Carter then continued with the agenda, indicating that Debby Baker, Program Coordinator, Permits Section of the Office of Land Quality, would give a presentation on Indiana's yard Waste composting Registration Program. Ms. Baker said that her presentation would consist of the following highlights:

- ? Brief history of how compost sites came into being;
- ? The intent of the law;
- ? The definition of vegetative matter;
- ? The main requirements of registration and the exemptions from registration;
- ? Materials allowed and problem wastes at compost sites;
- ? Inspection and enforcement issues;
- ? Ingredients for good composting;
- ? Question and answer period.

For a verbatim account of Ms. Baker's presentation, please see pages 38 through 61 of the official transcript of this meeting.

Chairperson Carter then opened the floor for discussion of composting issues. He emphasized that this was a discussion and not a public hearing. Mr. Langbehn began by passing around pictures of a compost facility in his district that even though properly registered, was so badly mismanaged that it had caught fire last July. Mr. Langbehn said that the facility was going out of business and that the current owners were going to "walk away from this site", leaving the massive cleanup to others. Mr. Langbehn said that this activity is taking place in other parts of the state as well, where operators get contracts to collect yard waste and other wood-waste materials, etc., deposit the debris and then abandon the site, leaving others to deal with the cleanup and environmental hazards. Mr. Langbehn asked for consideration of stricter rules to regulate composting facilities. Chairperson Carter then invited Mr. Steve Christman, Director, Northeast Indiana Solid Waste Management District, to comment. Mr. Christman distributed copies of his comments and then outlined his three main points:

- ? The need for financial assurance;
- ? The benefits of combining local and IDEM resources, i.e., enforcement; and
- ? Upgrading the registration process to address increased risk to human health and the environment caused by mismanagement of compost facilities.

Mr. Christman explained that he was the Executive Director of the Northeast Indiana Solid Waste District. This district has a yard waste composting program that is a very important part of the larger solid waste management program of the district. He elaborated on some of the changes they are considering for their facility that reflect what he feels need to be added to the IDEM registration program. For a verbatim account of Mr. Christman's remarks, please see pages 75 through 84 of the official transcript of this meeting.

Chairperson Carter then asked for discussion and questions from the Board. Mr. Himes expressed concern that the solid waste districts, acting as part of an enforcement process, would be a conflict of interest. This would create a situation where the enforcement agency that

is also a composting facility would, at the same time, be a competitor in the same business as those being regulated.

Mr. Langbehn said he would rather see the private sector of the industry just regulate themselves, but without that happening, it would be better to stop poor management practices early on to prevent large scale problems later on. This led to discussion on local authority both creating and enforcing regulations. Various methods of determining financial assurance were also discussed.

Mr. Palin agreed that the really aren't rules specifically dealing with composting. He asked whether there was a board preference on how to proceed. Mr. Palin first reviewed the process for initiating a rule by means of first and second notices and public hearings. He also suggested the possibility of hosting some meetings for potentially effected persons to get input on what could be done. Chairperson Carter said that perhaps it wouldn't be necessary to impose regulations other than the registration program. He expressed concern that he didn't want to see it become difficult for fledgling businesses to get a good start and be successful.

Mr. Palin suggested that meetings be set up and a discussion paper be prepared that would present ideas on various areas of the composting industry that might benefit from regulatory requirements. He thought that guidance documents could be used as a base from which to begin. Mr. Palin hoped that a public forum of affected parties would help to identify the most simple and effective way of dealing with problems without upsetting operators who are running a good business. This would also be a good opportunity to find out what good managers are doing. Written notice would be sent inviting operators to meetings; board members would also be notified so that they could listen to debate and get ideas first-hand.

For a verbatim account of this discussion, please see pages 85 through 104 of the official transcript of this meeting.

5. Chairperson Carter adjourned the meeting at 3:02 p.m.

ADJOURNMENT

The next meeting will be January 15, 2002, at 1:30 p.m., at the Indiana Government Center South, Conference Center Room A, 402 West Washington Street, Indianapolis, Indiana 46204.

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CHAIRPERSON

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TECHNICAL SECRETARY